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Tarrant County Texas

Official Public Records

9/9/2010 4:05 PM

D210221465



Suzanne Henderson

PGS 15 \$72.00

Submitter: SIMPLIFILE

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**FIRST AMENDMENT TO RIGHT OF WAY AGREEMENT**

STATE OF TEXAS                   §  
   §     **KNOW ALL BY THESE PRESENTS:**  
 COUNTY OF TARRANT         §

WHEREAS, a certain Right of Way Agreement (the "Agreement") dated April 12, 2007 was executed by and between **Jane Byers** (as "Grantor") and **Texas Midstream Gas Services, L.L.C.**, an Oklahoma limited liability company (as "Grantee"), the Agreement being recorded on May 29, 2007, Instrument Number D207183120, of the Official Public Records, Tarrant County, Texas;

WHEREAS, a copy of the Agreement is attached hereto as **Exhibit "2"**; and

WHEREAS, Grantee desires to amend the Agreement to: (i) include a plat to reflect additional easement area and (ii) change the width of the permanent easement.

NOW, THEREFORE, for good and valuable consideration in hand paid to Grantor by Grantee, the receipt and sufficiency of which are acknowledged, Grantor and Grantee amend the Agreement as follows:

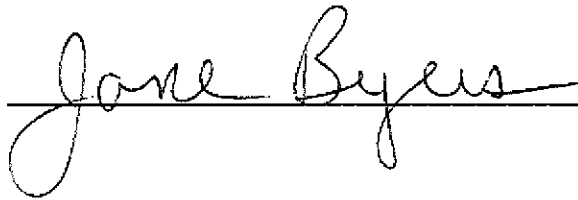
- (i) The easement description attached as **Exhibit "1"** to this Second Amendment to Pipeline Easement is added to reflect additional easement area.
- (ii) The third paragraph of the Agreement describes the permanent easement as seventy-five feet (75') in width. The width is hereby amended to a variable width.

Except as amended by this First Amendment to Right of Way Agreement, all of the terms and conditions of the Agreement are ratified and shall remain in full force and effect.

The provisions hereof shall be binding upon Grantor and Grantee and their respective heirs, legatees, devisees, personal representatives, successors and assigns.

EXECUTED this 30 day of August, 2010.

**GRANTOR:** JANE BYERS

A handwritten signature in cursive script, reading "Jane Byers", is written over a horizontal line.

**GRANTEE:** TEXAS MIDSTREAM GAS SERVICES, L.L.C.,  
an Oklahoma limited liability company

BY:

A handwritten signature in cursive script, reading "J. Michael Stice", is written over a horizontal line.

J. MICHAEL STICE  
Chief Executive Officer

Handwritten initials, possibly "JMS", are located to the right of the signature line.

ACKNOWLEDGMENT

STATE OF TEXAS

§  
§  
§

COUNTY OF TARRANT

This instrument was acknowledged before me on the 30<sup>th</sup> day of August, 2010 by Jane Byers.

(SEAL)



Brian W. Hall  
Notary Public, State of Texas

Printed Name: Brian W. Hall

Commission Expires: 12-11-11

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA

§  
§  
§

COUNTY OF OKLAHOMA

This instrument was acknowledged before me on the 8<sup>th</sup> day of Sept., 2010 by J. Michael Stice, Chief Executive Officer of Texas Midstream Gas Services, L.L.C., an Oklahoma limited liability company, on behalf of said company.

(SEAL)

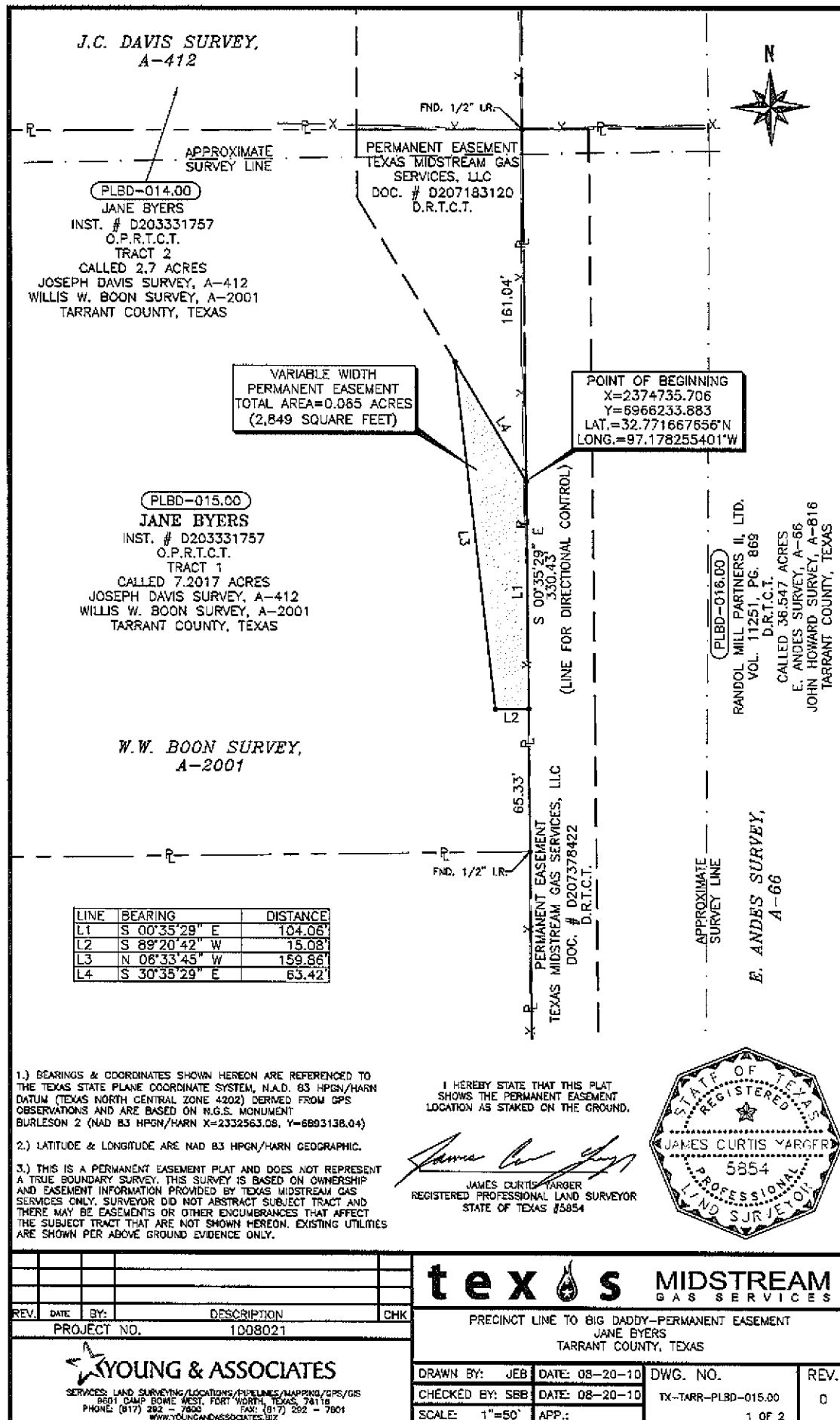


Tarah Bates  
Notary Public, State of Oklahoma

Printed Name: Tarah Bates

Commission Expires: 03/01/2014

## EXHIBIT "1"





# YOUNG & ASSOCIATES

Experienced Surveyors throughout the State of Texas  
P.O. Box 121609 Fort Worth, TX 76121-1609  
Tel.: 817-292-7600 Fax: 817-292-7601  
[www.youngandassociates.biz](http://www.youngandassociates.biz)

## EXHIBIT "1"

### VARIABLE WIDTH PERMANENT EASEMENT (0.065 ACRE)

BEING a 0.065 acre Permanent Easement situated in the W.W. Boon Survey, Abstract No. 2001, Tarrant County, Texas, and being a portion of a tract of land described to Jane Byers by deed recorded in Instrument No. D203331757 of the Deed Records of Tarrant County, Texas, said 0.065 acre Permanent Easement being more particularly described by metes and bounds as follows:

**BEGINNING** at a point for corner on the east line of said Byers tract, same being the southern most corner of a permanent easement described to Texas Midstream Gas Services, LLC by document recorded in Instrument No. D207183120 of said Deed Records, from which a 1/2 inch iron rod found for the northeast corner of said Byers tract bears North 00°35'29" West, 161.04 feet;

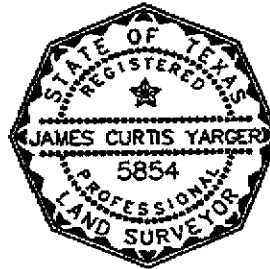
**THENCE** South 00°35'29" East, with said east line, a distance of 104.06 feet to a point for corner, from which a 1/2 inch iron rod found for the southeast corner of said Byers tract bears South 00°35'29" East, 65.33 feet;

**THENCE** South 89°20'42" West, over under and across same tract, a distance of 15.08 feet to a point for corner;

**THENCE** North 06°33'45" West, continuing over under and across said Byers tract, a distance of 159.86 feet to a point for corner on the southwesterly line of said permanent easement;

**THENCE** South 30°35'29" East, continuing over under and across said Byers tract and with said southwesterly line, a distance of 63.42 feet to the **POINT OF BEGINNING** and containing 0.065 of an acre (2,849 square feet) of land, more or less.

JAMES CURTIS YARGER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
OF TEXAS # 5854



## EXHIBIT "2"

RIGHT OF WAY AGREEMENT

10123374

THE STATE OF TEXAS

THE COUNTY OF TARRANT

For and in consideration of TEN Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, the undersigned Jane Byers (hereinafter called GRANTOR, whether one or more) does hereby GRANT, BARGAIN, and CONVEY TO TEXAS MIDSTREAM GAS SERVICES, LLC, its successors and assigns (hereinafter called GRANTEE), right-of-way and easement (the "Easement") along a route, (the location of the pipelines to evidence such a route) over, under, upon, along and across the following real estate situated in Tarrant County, Texas:

See Exhibit "A" attached hereto and incorporated herein for all purposes.

The Easement granted herein is for the purpose of laying, constructing, reconstructing, operating, maintaining, protecting, inspecting, repairing altering, changing the size of, and removing or abandoning in place, Four (4) pipelines to be installed during the initial construction period for the transportation of oil, gas petroleum products, water, saltwater, or any other liquids, gases (including inert gases) or substances which can be transported through pipelines together with any and all necessary above ground and underground appurtenances (including, among other things, such valves, fittings, meters, risers, graphite and steel anodes and other devices for the control of pipeline corrosion, and other appurtenances) that Grantee may determine to be necessary or convenient for the safe and efficient operation of the pipelines over, under, upon, along and across the land described in Exhibit A. The Easement herein granted is exclusive to the Grantee.

The right of way shall be one-hundred feet (100') in width during construction of the pipelines provided for herein and will revert to a permanent easement seventy-five feet (75') in width.

GRANTOR hereby reserves the right to use said land in any manner that will not prevent nor interfere with the exercise by GRANTEE of its rights hereunder; provided, however, that GRANTOR shall not construct, nor permit to be constructed, any house, building or any other structure on the easement area or other facility constructed by GRANTEE hereunder without express prior consent of the GRANTEE. GRANTOR herein agrees not to change the grade of the surface over such pipelines. In addition, Grantee shall have all of the rights and benefits necessary and convenient for the full enjoyment and use of the rights herein granted including, but not limited to, the right of ingress to and egress over and across said lands to and from said right-of-way and easement and the right from time to time to cut all trees, undergrowth, and the other obstructions that, in its judgment, may

injure, endanger or interfere with the exercise by GRANTEE of the rights, privileges and easements herein granted. The GRANTEE shall have the right to assign the grant, or any rights herein granted, in whole or in part.

GRANTOR hereby expressly agrees that in the event the route of the pipelines to be constructed hereunder should cross any roads, railroads, creeks or other waterways located on the above described land or other places requiring extra work space, or if the rights granted to GRANTEE hereunder require extra work space, then GRANTEE shall have the right and temporary access to additional working space which may be necessary therefore and GRANTEE agrees to pay GRANTOR any and all damages which GRANTOR suffers by reason of GRANTEE'S use of said additional work space.

GRANTEE agrees that should more pipelines be constructed and laid after the initial construction period of said pipelines the GRANTEE shall then pay GRANTOR fifty dollars and no/100 cents (\$50.00) per rod for each additional line so constructed and laid, besides the damages provided for elsewhere in this agreement.

TO HAVE AND TO HOLD unto GRANTEE, its successors and assigns, so long as the right and easement herein granted, or any one of them, shall be used by or useful to GRANTEE for the purposes herein granted, the undersigned hereby bind themselves, their heirs, executors and administrators (and successors and assigns) to warrant and forever defend this right of way and easement unto the GRANTEE, its successors and assigns, against every person whomever lawfully claiming or to claim the same or any part thereof.

GRANTEE covenants and agrees that the pipeline will be buried to a minimum depth of forty-eight inches (48") below grade and to pay for any physical damage to growing crops, timber, fences or other structural improvements caused by GRANTEE'S construction, maintenance, operation, repairing, alteration, replacement or removal of said pipelines and appurtenant facilities. It is understood and agreed that the consideration herein paid does include payment of the initial construction, crop, timber and land surface damages.

It is agreed that this grant covers all the agreements between the parties and that no representation or statements, verbal or written, have been made modifying, adding to or changing the terms of this Agreement.

IN TESTIMONY WHEREOF, the GRANTOR herein has executed this conveyance this 12 day of

April, 2007.

GRANTOR:

Jane Byers  
JANE BYERS

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF Tarrant

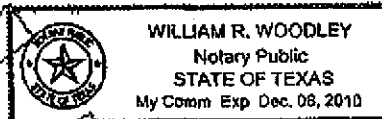
This instrument was acknowledged before me on the 12<sup>th</sup> day of April, 2006 by JANE BYERS

William R. Woodley  
Notary Public

Printed Name: William R. Woodley

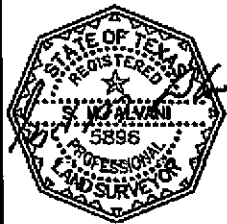
In and for the State of Texas

My Commission Expires: 08/20/10





## EXHIBIT "A"

MITCHELL, MONTE V  
TR. 1RA-412  
J.C. DAVIS  
SURVEYBYERS, JANE  
TR. 1B1BCOOK, DONALD  
J. ETUX SHIRLEY M  
TR. 3EA-1160  
J.R. NEWTON  
SURVEYRANDOL. MILL PART  
TR. 1FBYERS, JANE  
TR. 1BA-2001  
W. W. BOONE  
SURVEYA-016  
J. HOWARD  
SURVEY

BASIS OF BEARINGS: THE EASTERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN INSTRUMENT NUMBER D203331757 OF THE TARRANT COUNTY RECORDS, BEARS S 00°19'36" E (GRID) IN THE STATE OF TEXAS NORTH CENTRAL 4202 ZONE.

V:\52871\active\187107355\drawing\exhibits\Phase\_01\Complete\07355v-exhib-014.dwg, COVER, 3/14/2007 1:03:38 PM, cobyj

 DOWNTOWN DESIGN SERVICES, INC.		TEXAS MIDSTREAM GAS SERVICES PROPOSED PIPELINE CROSSING BYERS, JANE TRACT COUNTY OF TARRANT, STATE OF TEXAS LINEAR PARK SUCION ROUTE		DRAWN BY: J-01 02/22/07		SCALE: 1" = 80' 0 30' 60'
				CHECKED BY: CF 02/22/07		
 Stanlec Consulting Inc. 2000 E Colorado Blvd Ste 2-000 Denver, CO 80222 Tel: 303.751.4058 Fax: 303.756.4058 www.stanlec.com		PROJECT ENGINEER: SECTION HEAD:		APPROVED BY:		SHEET 1 OF 3
				REV. DATE BY APP. DESCRIPTION		

## EXHIBIT "A"

J.C. DAVIS SURVEY  
INSTRUMENT D203331757  
(A-412, TR. 1B1B)

25' TEMPORARY  
EASEMENT

15,889 SF  
0.365 AC ±

75' PERMANENT  
EASEMENT

S00°19'36"E 211.88' BASIS OF BEARINGS

POINT OF  
BEGINNING

S89°48'07" W 75.00'

S89°56'38"E 75.00'

N00°19'36" W 75.00'

## LEGAL DESCRIPTION OF PERMANENT EASEMENT

THE EASTERLY 75 FEET OF THAT PARCEL OF LAND AS DESCRIBED IN INSTRUMENT NUMBER D203331757 OF THE RECORDS OF THE COUNTY OF TARRANT, STATE OF TEXAS, SITUATED IN THE J. C. DAVIS SURVEY, ABSTRACT NUMBER 412, TRACT 1B1B, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL;  
THENCE S 89°48'07" W, ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL A DISTANCE OF 75.00 FEET;  
THENCE N 00°19'36" W, 75 FEET WEST FROM AND PARALLEL WITH THE EASTERLY BOUNDARY OF SAID PARCEL, A DISTANCE OF 212.01 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID PARCEL;  
THENCE S 89°56'38" E, ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF 75.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;  
THENCE S 00°19'36" E, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL, A DISTANCE OF 211.88 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 15,889 SQUARE FEET OR 0.365 ACRES, MORE OR LESS.

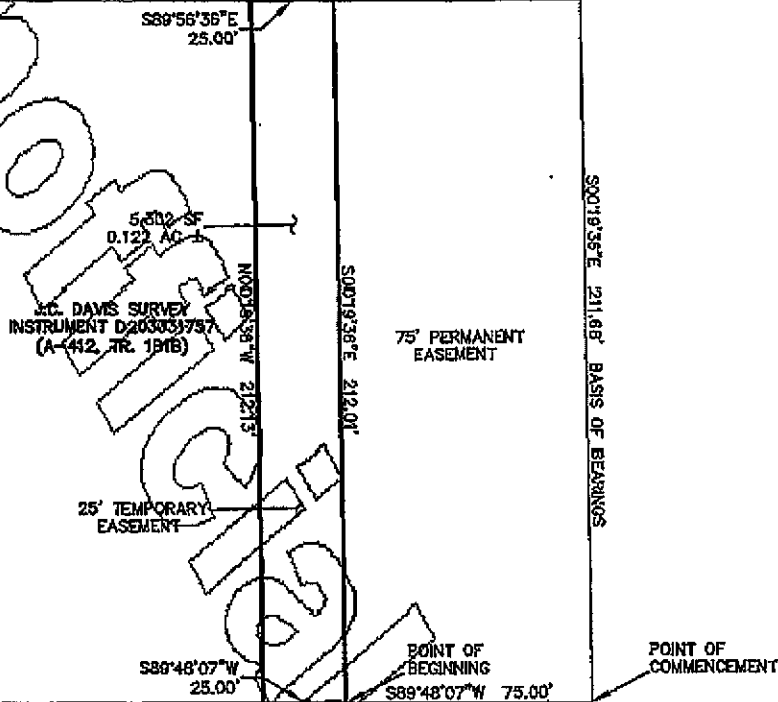


V:\5287\nc\vel167107355\drawing\exhibits\Phase\_01\Complete\072955v-exhib-014.dwg, SHEET 1, 3/14/2007 1:03:53 PM, sobryh

EASEMENT TABLE				TEXAS MIDSTREAM GAS SERVICES			
CENTERLINE LENGTH	211.88'	12.84 BDS.		PROPOSED PIPELINE CROSSING BYERS JANE TRACT COUNTY OF TARRANT, STATE OF TEXAS 75' PERMANENT EASEMENT LINEAR PARK SUCROX ROUTE			
EASEMENT AREA	15,889	0.365 AC					
TEMP. WORKSPACE	3,302 SF	0.122 AC					
ADD'L. WORKSPACE	N/A	N/A					
<b>DDSI</b> DOWNTOWN DESIGN SERVICES, INC.				DRAWN BY	JMK	02/22/07	SCALE: 1"=40'
				CHECKED BY	CF	02/22/07	0 20' 40'
				PROJECT ENGINEER			
				SURVEYOR			
				APPROVED BY			
Statco Consulting Inc. 2002 S. Caliente Ave. Box 1-300 Dallas, TX 75212 Tel. 214.768.4058 Fax. 214.768.4029 www.statco.com				ADJ.	DATE	BY	APP.
				DESCRIPTION			

SHEET 2 OF 3

## EXHIBIT "A"

**LEGAL DESCRIPTION OF TEMPORARY EASEMENT**

THE WESTERLY 25 FEET OF THE EASTERLY 100 FEET OF THAT PARCEL OF LAND AS DESCRIBED IN INSTRUMENT NUMBER D203331757 OF THE RECORDS OF THE COUNTY OF TARRANT, STATE OF TEXAS, SITUATED IN THE J. C. DAVIS SURVEY, ABSTRACT NUMBER 412, TRACT 181B, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S 89°48'07" W, ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING;

THENCE S 89°48'07" W, CONTINUING ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 25.00 FEET; THENCE N 00°19'36" W, A DISTANCE OF 212.13 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF SAID PARCEL;

THENCE S 89°56'36" E, ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF 25.00 FEET; THENCE S 00°19'36" E, A DISTANCE OF 212.01 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 5,302 SQUARE FEET OR 0.122 ACRES, MORE OR LESS

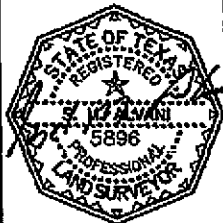
BASIS OF BEARINGS: THE EASTERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN INSTRUMENT NUMBER D203331757 OF THE TARRANT COUNTY RECORDS, BEARS S 00°19'36" E (GRID) IN THE STATE OF TEXAS NORTH CENTRAL 4202 ZONE.

**SURVEYOR'S CERTIFICATE**

TO PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

DATE OF SURVEY: 02/20/07

SEYED M. ALVANI  
R.P.L.S. NO. 5596  
DATE OF SIGNATURE: 03/02/07



SEE SHEET 2 FOR  
EASEMENT INFORMATION



DOWNTOWN DESIGN SERVICES, INC.



Stattek Consulting Inc.  
2050 N. Colorado Blvd.  
Ste 2-025  
Denver, CO 80202  
Tel: 303.738.4000  
Fax: 303.738.4000  
www.stattek.com

				TEXAS MIDSTREAM GAS SERVICES			
				PROPOSED PIPELINE CROSSING			
				DYERS VANE TRACT			
				COUNTY OF TARRANT, STATE OF TEXAS			
				25' TEMPORARY EASEMENT			
				LINEAR PARK SECTION ROUTE			
				DRWN BY	JUN	02/22/07	SCALE 1" = 40'  
				CHKD BY	OF	02/22/07	
				PROJECT ENGINEER			
				SUBMIT NO.			
				APPROVED BY			
REV.	DATE	BY	APP.	DESCRIPTION			

SHEET 3 OF 3

## EXHIBIT "A"

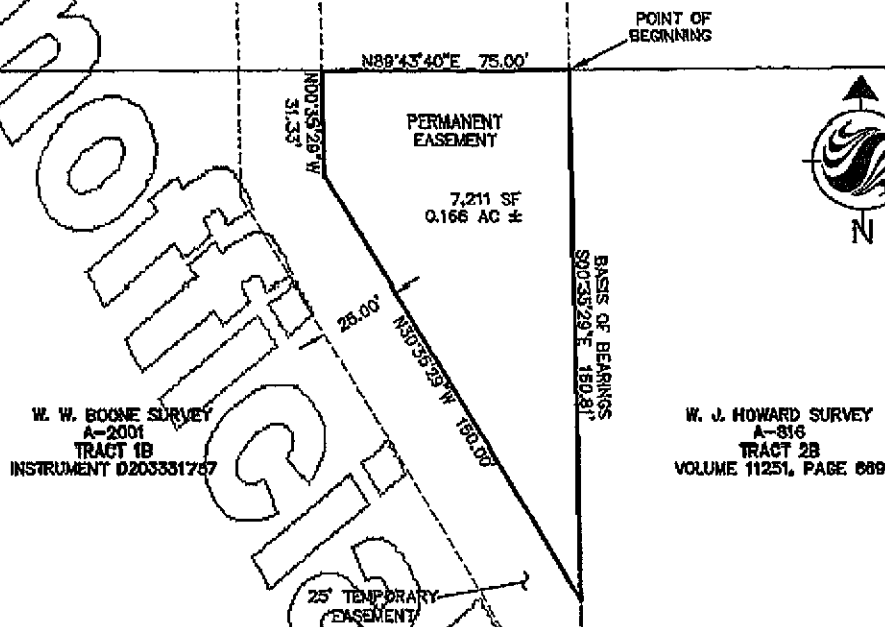
BYERS, JANE  
TR. 1B1BA-412  
J.C. DAVIS  
SURVEYA-1169  
J.R. NEWTON  
SURVEYCOOK, DONALD J  
ETUX, SHIRLEY M  
TR. 3EBYERS, JANE  
TR. 1BA-2001  
W. W. PEDONE  
SURVEYRANDOL MILL  
PARTNERS II LTD  
TR. 1RA-810  
J. HOWARD  
SURVEYSMITH, JERRY D & GAYLA SMITH  
SMITH ACRES ADDAL  
SUBD. #38887  
BLOCK 1, LOT 1

BASIS OF BEARINGS: THE EASTERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN INSTRUMENT NUMBER D203331757 OF THE TARRANT COUNTY RECORDS BEARS S 00°35'29" E (GRID) IN THE STATE OF TEXAS NORTH CENTRAL M202 ZONE.

V:\5287\1\acivil\187107855\drawing\exhibits\Phase\_01\Complete\07355v-exhib-015.dwg, COVER, 3/14/2007 12:57:34 PM Jacobryan

 DOWNTOWN DESIGN SERVICES, INC.		TEXAS MIDSTREAM GAS SERVICES PROPOSED PIPELINE CROSSING BYERS, JANE TRACT COUNTY OF TARRANT, STATE OF TEXAS LINEAR PARK SECTION ROUTE		DRAWN BY JMT 02/20/07		SCALE 1" = 50'	
				CHECKED BY OF 02/20/07		PROJECT NUMBER SECTION SHEET	
 Stanec Consulting Inc. 3000 E Colorado Blvd Ste 2-300 Denver, CO 80222 Tel: 303.798.4000 Fax: 303.798.4834 www.stanec.com		REV. DATE BY APP. DESCRIPTION		APPROVED BY		SHEET 1 OF 3	

## EXHIBIT "A"

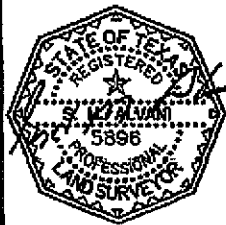


## LEGAL DESCRIPTION OF PERMANENT EASEMENT

A PORTION OF THAT PARCEL OF LAND AS DESCRIBED IN INSTRUMENT NUMBER D203331757 OF THE RECORDS OF THE COUNTY OF TARRANT, STATE OF TEXAS, SITUATED IN THE W. W. BOONE SURVEY, ABSTRACT NUMBER 2001, TRACT 1B, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL;  
 THENCE S 00°35'29" E, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL, A  
 DISTANCE OF 160.81 FEET;  
 THENCE N 30°35'29" W, A DISTANCE OF 150.00 FEET;  
 THENCE N 00°35'29" W, A DISTANCE OF 31.33 FEET TO A POINT ON THE  
 NORTHERLY BOUNDARY OF SAID PARCEL;  
 THENCE N 89°43'40" E, ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF 75.00  
 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 7,211 SQUARE FEET OR 0.166 ACRES, MORE OR LESS.



EASEMENT TABLE				TEXAS MIDSTREAM GAS SERVICES			
CENTERLINE LENGTH	105.12'	0.43 RDS.		PROPOSED PIPELINE CROSSING BYERS, JANE TRACT COUNTY OF TARRANT, STATE OF TEXAS PERMANENT EASEMENT LINEAR PARK SECTION ROUTE			
EASEMENT AREA	7,211 SF	0.166 AC					
TEMP. WORKSPACE	5,218 SF	0.120 AC					
ADDITIONAL WORKSPACE	N/A	N/A					
				DRAWN BY JRE 02/20/07 CHECKED BY OF 02/20/07 PROJECT SURVEYOR SECTION HEAD APPROVED BY			
DOWNTOWN DESIGN SERVICES, INC. Stantec Consulting Inc. 2640 S Colorado Blvd Ste 2-305 Denver, CO 80222 Tel. 303.738.4000 Fax. 303.738.4020 www.stantec.com				SCALE 1" = 40' SHEET 1 OF 3			
REV.	DATE	BY	APP.	DESCRIPTION			





CHESAPEAKE OPERATING INC  
P O BOX 18496

OKLAHOMA CITY OK 73154

Submitter: CHESAPEAKE OPERATING INC

SUZANNE HENDERSON  
TARRANT COUNTY CLERK  
TARRANT COUNTY COURTHOUSE  
100 WEST WEATHERFORD  
FORT WORTH, TX 76196-0401

**DO NOT DESTROY**

**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

Filed For Registration: 06/29/2007 11:02 AM

Instrument #: D207183120

A 10 PGS

\$48.00

By: \_\_\_\_\_



**D207183120**

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR  
RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.